

## EXHIBIT 4



CARLOS M. LAZATIN (S.B. #229650)  
clazatin@omm.com  
WILLIAM K. PAO (S.B. #252637)  
wpao@omm.com  
JASON ORR (S.B. #301764)  
jorr@omm.com  
O'MELVENY & MYERS LLP  
400 South Hope Street  
18<sup>th</sup> Floor  
Los Angeles, California 90071-2899  
Telephone: (213) 430-6000  
Facsimile: (213) 430-6407

Attorneys for Defendant  
Bitmain Technologies, Ltd.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO**

GOR GEVORKYAN, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

BITMAIN, INC., BITMAIN  
TECHNOLOGIES, LTD. and DOES 1  
to 10,

Defendants.

Case No. 3:18-cv-07004-JD

**LUYAO LIU'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF  
GOR GEVORKYAN'S FIRST  
AMENDED NOTICE OF  
DEPOSITION AND REQUESTS  
FOR PRODUCTION OF  
DOCUMENTS PURSUANT TO  
FED. R. CIV. P. 34**

PROPOUNDING PARTY: Plaintiff Gor Gevorkyan

RESPONDING PARTY: Luyao Liu

SET NUMBER: One (Nos. 1-16)

Luyao Liu ("Mr. Liu") submits these responses and objections to Plaintiff  
Gor Gevorkyan's ("Plaintiff") (together with Mr. Liu, the "Parties") First Amended



1 Notice of Deposition of Luyao Liu and Request for Production of Documents,  
2 dated January 6, 2020 (the “Requests”).

3 **PRELIMINARY STATEMENT**

4 1. Especially in light of the coronavirus epidemic currently sweeping  
5 through China, Mr. Liu has yet to complete his investigation into all the facts  
6 underlying or supporting the claims or defenses at issue in this lawsuit. Mr. Liu  
7 responds to the Requests in accordance with Mr. Liu’s knowledge at this time. Mr.  
8 Liu is continuing to search for documents responsive to the Requests and reserves  
9 the right to supplement, amend, or correct his responses with additional information  
10 or documents. To the extent the Requests purport to require more, Mr. Liu objects  
11 on the ground that (a) the Requests seek to compel Mr. Liu to conduct a search  
12 beyond the scope of permissible discovery contemplated by the Federal Rules of  
13 Civil Procedure and (b) compliance with the Requests would impose an undue  
14 burden and expense on Mr. Liu.

15 2. Mr. Liu has made diligent and reasonable efforts to respond to each  
16 and every request to the extent it has not been objected to, as Mr. Liu understands  
17 and interprets the request. If Plaintiff subsequently asserts an interpretation of any  
18 request that differs from that of Mr. Liu, Mr. Liu reserves the right to supplement  
19 his objections and/or responses.

20 3. By responding to the Requests, Mr. Liu does not concede that the  
21 documents sought are relevant to the parties’ claims or defenses.

22 4. Mr. Liu’s responses and objections are made without waiving or  
23 intending to waive, but, to the contrary, preserving and intending to preserve:

24 (a) all objections to the authenticity, competency, foundation,  
25 relevance, materiality, privilege, and admissibility as evidence for any purpose, at  
26 any trial or hearing in the above-captioned action or in any related or subsequent  
27 action or proceeding, of the documents identified in response to the Requests;  
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1 (b) the right to object on any grounds to the use or introduction into  
 2 evidence of these responses at any trial or hearing in the above-captioned action or  
 3 in any related or subsequent action or proceeding;

4 (c) the right to object on any grounds at any time to any other  
 5 request; and

6 (d) the right at any time to revise, amend, supplement, or correct the  
 7 responses and objections provided herein.

8 5. Nothing in Mr. Liu's responses to the Requests should be construed as  
 9 an admission regarding the truth or accuracy of any statement or characterization in  
 10 any such request, or the existence of any document, or the relevance or  
 11 admissibility of any document or portion thereof.

12 6. Mr. Liu's responses and objections to the Requests or any part thereof  
 13 do not constitute a representation that responsive documents exist, but only that  
 14 responsive documents will be disclosed if they exist, can be discovered with  
 15 reasonable diligence, and are not otherwise objected to, or protected from  
 16 disclosure.

### 17 **GENERAL OBJECTIONS**

18 1. Mr. Liu objects to each and every Request to the extent that it seeks  
 19 disclosure of information and documents located in China where such disclosure  
 20 would violate Chinese state secrecy, privacy, and cyber security laws, including the  
 21 *People's Republic of China's General Rules of Civil Law*, Articles 110 and 111;  
 22 *Criminal Law*, Article 111; *Tort Liability Law*, Article 2; *Protecting State Secrets*  
 23 *Law*, Articles 2, 3, and 9; *Archives Law*, Articles 18 and 25; *Implementing Rules of*  
 24 *the PRC Law on Protecting State Secrets*, Articles 5 and 21; *Cyber Security Law*,  
 25 Article 37; or the PRC's acceptance of and reservations to the *Convention on the*  
 26 *Taking of Evidence Abroad in Civil or Commercial Matters 1972* (the "Hague  
 27 Convention").



1           2.     Mr. Liu objects to the Requests insofar as they seek documents  
2 concerning matters unrelated to jurisdictional discovery, the limited scope of  
3 discovery allowed by the Court at the December 19, 2019 hearing on Bitmain  
4 Technologies, Ltd.'s ("Bitmain Hong Kong") motion to dismiss for lack of personal  
5 jurisdiction ("Hearing").

6           3.     Mr. Liu objects to the Requests insofar as they seek documents that  
7 are protected from disclosure by the attorney-client privilege, the work product  
8 doctrine, the common interest privilege, the self-evaluation privilege, the self-  
9 critical analysis privilege, the self-audit privilege, the trial preparation privilege as  
10 set forth in Fed. R. Civ. P. 26(b)(3)–(5), or any other statutory or common law  
11 privilege, immunity, rule of privacy or confidentiality, protection, or restriction that  
12 protects such documents from involuntary disclosure or production, including the  
13 settlement privilege. Mr. Liu will not disclose documents covered by one or more  
14 such privileges, immunities, or rules. To the extent that Mr. Liu inadvertently  
15 discloses documents that arguably may be protected from disclosure under any  
16 applicable privilege or immunity under federal or state law, such inadvertent  
17 disclosure shall not constitute a waiver of any privilege or any other grounds for  
18 objecting to discovery of such material, its subject matter or information contained  
19 therein, or of Mr. Liu's right to object to the use of such material during any later  
20 proceeding or otherwise seek return of the disclosed material. For the purposes of  
21 responding to the Requests, Mr. Liu will interpret each definition, instruction, and  
22 request as excluding such material from disclosure.

23           4.     Mr. Liu objects to the Requests to the extent that they seek to impose  
24 on Mr. Liu any obligation different from, inconsistent with, or in addition to, those  
25 imposed by the Federal Rules of Civil Procedure, the local rules of the District  
26 Court for the Northern District of California, the Standing Orders of the Honorable  
27 James Donato, or any other applicable rules, laws, or orders.



1           5.     Mr. Liu objects to the Requests to the extent that they seek documents  
2 (i) in the possession, custody, or control of other persons or entities, including his  
3 employer, (ii) not presently in the personal possession, custody, or control of Mr.  
4 Liu, (iii) already in the possession of, or equally available to, Plaintiff, or (iv) that  
5 may be obtained from other sources or through other means of discovery that are  
6 more convenient, more efficient, more practical, less burdensome, or less  
7 expensive.

8           6.     Mr. Liu objects to any individual request to the extent that it is  
9 duplicative or cumulative of one or more individual requests that precede it or any  
10 prior discovery served by Plaintiff. Any objections asserted, general or specific, to  
11 any discovery request served in this action shall be deemed to apply equally to the  
12 Requests as well as any other preceding or subsequent discovery request.

13           7.     Mr. Liu objects to the Requests to the extent that they purport to  
14 require Mr. Liu to search for and disclose, or derive request responses from,  
15 electronically-stored documents from sources that are not reasonably accessible in  
16 light of the amount in controversy of Plaintiff's claim because of undue burden or  
17 cost, as set forth in Fed. R. Civ. P. 26(b)(2)(B).

18           8.     Mr. Liu objects to the Requests to the extent that they seek  
19 information, materials, or documents that are confidential or proprietary in nature,  
20 or that otherwise constitute protected commercial, strategic, financial, or  
21 competitively-sensitive or trade-secret information. To the extent that such relevant  
22 and responsive documents exist, Mr. Liu will disclose such documents only upon  
23 the execution of, and subject to the conditions contained in, an appropriate  
24 protective order. Nothing above is intended to waive, and Mr. Liu expressly  
25 reserves, all rights to assert that some documents are so sensitive or irrelevant to  
26 Plaintiff's claim that they should not be disclosed at all.

27           9.     Mr. Liu objects to the Requests to the extent that they purport to  
28



1 require the disclosure of documents, which disclosure would violate (i) any court  
 2 order, contract, or agreement obligating Mr. Liu to keep documents confidential, or  
 3 (ii) any rights of privacy or other statutory or judicially-recognized protections.

4 10. Mr. Liu objects to the Requests to the extent that they call for a legal  
 5 conclusion. Any response by Mr. Liu shall not be construed as providing a legal  
 6 conclusion regarding the meaning or application of any terms or phrases used in the  
 7 Requests.

8 11. Mr. Liu objects to each topic in the Requests to the extent that they  
 9 contain multiple subparts or that the definitions or instructions render the topic  
 10 compound, unintelligible, or otherwise confusing.

11 12. Mr. Liu objects to the Requests to the extent that they (i) imply the  
 12 existence of facts or circumstances that do not or did not exist or (ii) state or assume  
 13 legal or factual conclusions. By responding, Mr. Liu does not admit any of  
 14 Plaintiff's factual or legal premises.

### 15 **OBJECTIONS TO DEFINITIONS**

16 1. Mr. Liu objects to Plaintiff's definitions to the extent they seek to  
 17 impose any obligation or burden on Mr. Liu different from, inconsistent with, or in  
 18 addition to, those imposed by the Federal Rules of Civil Procedure, the local rules  
 19 of the District Court for the Northern District of California, the Standing Orders of  
 20 the Honorable James Donato, or any other applicable rules, laws, or orders.

21 2. Mr. Liu objects to the definition of "CLASS PERIOD" to the extent it  
 22 suggests that a class has been or should be certified in this case. Mr. Liu also  
 23 objects to this definition insofar as the time period proposed is overbroad and  
 24 unduly burdensome.

25 3. Mr. Liu objects to the definition of "DOCUMENT" as overbroad,  
 26 unduly burdensome, vague, indefinite, ambiguous, and not reasonably calculated to  
 27 lead to the discovery of admissible evidence. Mr. Liu will construe  
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1 “DOCUMENT” to have the same meaning as set forth in Fed. R. Civ. P.  
2 34(a)(1)(A)—i.e., writings, drawings, graphs, charts, photographs, sound  
3 recordings, images, and other data or data compilations—aided by how that term is  
4 commonly understood in ordinary English. Mr. Liu further objects to the definition  
5 of “DOCUMENT” to the extent that it purports to require Mr. Liu to search for,  
6 produce, and identify every iteration of a document where it would be unduly  
7 burdensome to do so. Mr. Liu agrees only to conduct a reasonable and diligent  
8 search in good faith to discover and produce relevant and material facts and/or  
9 information properly sought by the Requests.

10 4. Mr. Liu objects to the definitions of “BITMAIN,” “YOU,” “YOUR”  
11 and “DEFENDANT” as overly broad, unduly burdensome, vague, indefinite,  
12 ambiguous, and not relevant to the limited scope of the Court-ordered jurisdictional  
13 discovery. Specifically, these definitions encompass, without regard to their  
14 connection to the limited scope of the Court-ordered jurisdictional discovery,  
15 Bitmain’s “past and present parents, subsidiaries, affiliates, sister entities,  
16 predecessors, successors, employees, independent contractors, officers, directors,  
17 agents, vendors, accountants, and all other persons or entities acting on its behalf or  
18 under its direct or indirect control.” Thus, Plaintiff’s use of this definition renders  
19 any request in which these terms appear overbroad and unduly burdensome and  
20 results in requests that seek documents not relevant to the limited scope of  
21 jurisdictional discovery, not within Mr. Liu’s personal knowledge, possession,  
22 custody, or control, and protected from disclosure by the attorney-client privilege,  
23 the work product doctrine, or any other applicable privilege or protection. Thus, in  
24 responding to the Requests, Mr. Liu will construe “YOU” and “YOUR” to mean  
25 only Mr. Liu, the subject of these Requests. Mr. Liu will also construe  
26 “BITMAIN” to mean Bitmain Hong Kong, which is the same definition used in Mr.



1 Liu's declarations in support of Bitmain Hong Kong's motion to dismiss and reply  
 2 in support of motion to dismiss. (*See* ECF Nos. 33-1, 38-1.)

### 3 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

#### 4 **REQUEST FOR PRODUCTION NO. 1:**

5 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 6 following statement in the LUI DECLARATION: "BITMAIN and Bitmain Inc.  
 7 have separate officers and maintain separate workforces."

#### 8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

9 Mr. Liu incorporates by reference each of the above stated general  
 10 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 11 it seeks documents containing information protected by the attorney-client  
 12 privilege, the work product doctrine, and/or any other applicable privilege. Mr.  
 13 Liu further objects to this Request on the grounds that it is overly broad and seeks  
 14 information not proportional to the needs of the case to the extent it seeks  
 15 documents beyond what is necessary to establish whether jurisdiction exists over  
 16 Bitmain Hong Kong and to demonstrate whether an alter ego relationship exists  
 17 between Bitmain Hong Kong—the defendant in this action—and Bitmain, Inc. for  
 18 specific jurisdiction purposes. Mr. Liu further objects to this Request on the  
 19 grounds that it is overly broad and unduly burdensome to the extent it seeks  
 20 documents and information that are in the possession of other entities, including  
 21 Plaintiff or Bitmain Hong Kong—the defendant in this action—and are less  
 22 burdensome for such persons and entities to produce. Mr. Liu further objects to  
 23 this Request to the extent that it is vague and ambiguous in that it does not define  
 24 certain terms with reasonable particularity. Specifically, the reference to  
 25 "DOCUMENTS" is uncertain, indefinite, and unclear.

26 Subject to and without waiving the foregoing general and specific objections  
 27 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
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1 they exist and are in Mr. Liu's personal possession, custody, or control, Mr. Liu  
2 will produce documents sufficient to demonstrate that Bitmain Hong Kong and  
3 Bitmain, Inc. have separate officers and maintain separate workforces.

4 **REQUEST FOR PRODUCTION NO. 2:**

5 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
6 following statement in the LUI DECLARATION: "BITMAIN and Bitmain Inc.  
7 operate independently from each other. BITMAIN does not control the business  
8 decisions or operations of Bitmain Inc."

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

10 Mr. Liu incorporates by reference each of the above stated general  
11 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
12 it seeks documents containing information protected by the attorney-client  
13 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
14 further objects to this Request on the grounds that it is overly broad and seeks  
15 information not proportional to the needs of the case to the extent it seeks  
16 documents beyond what is necessary to establish whether jurisdiction exists over  
17 Bitmain Hong Kong and to demonstrate whether an alter ego relationship exists  
18 between Bitmain Hong Kong—the defendant in this action—and Bitmain, Inc. for  
19 specific jurisdiction purposes. Mr. Liu further objects to this Request on the  
20 grounds that it is overly broad and unduly burdensome to the extent it seeks  
21 documents and information that are in the possession of other entities, including  
22 Bitmain Hong Kong—the defendant in this action—and are less burdensome and  
23 expensive for such persons and entities to produce. Mr. Liu further objects to this  
24 Request to the extent that it is vague and ambiguous in that it does not define  
25 certain terms with reasonable particularity. Specifically, the reference to  
26 "DOCUMENTS" is uncertain, indefinite, and unclear.



1 Subject to and without waiving the foregoing general and specific objections  
2 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
3 they exist and are in Mr. Liu's personal possession, custody, or control, Mr. Liu  
4 will produce documents sufficient to demonstrate that Bitmain Hong Kong and  
5 Bitmain, Inc. operate independently from each other, and Bitmain Hong Kong does  
6 not control the business decisions or operations of Bitmain, Inc.

7 **REQUEST FOR PRODUCTION NO. 3:**

8 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
9 following statement in the LUI DECLARATION: "BITMAIN and Bitmain Inc.  
10 each have their own corporate books and financial records, their own bank  
11 accounts, and file tax returns separate from each other."

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

13 Mr. Liu incorporates by reference each of the above stated general  
14 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
15 it seeks documents containing information protected by the attorney-client  
16 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
17 further objects to this Request on the grounds that it is overly broad and seeks  
18 information not proportional to the needs of the case to the extent it seeks  
19 documents beyond what is necessary to establish whether jurisdiction exists over  
20 Bitmain Hong Kong and to demonstrate whether an alter ego relationship exists  
21 between Bitmain Hong Kong—the defendant in this action—and Bitmain, Inc. for  
22 specific jurisdiction purposes. Mr. Liu further objects to this Request on the  
23 grounds that it is overly broad and unduly burdensome to the extent it seeks  
24 documents and information that are in the possession of other entities, including  
25 Bitmain Hong Kong—the defendant in this action—and are less burdensome and  
26 expensive for such persons and entities to produce. Mr. Liu further objects to this  
27 Request to the extent that it is vague and ambiguous in that it does not define  
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1 certain terms with reasonable particularity. Specifically, the reference to  
 2 “DOCUMENTS” is uncertain, indefinite, and unclear.

3 Subject to and without waiving the foregoing general and specific objections  
 4 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
 5 they exist and are in Mr. Liu’s personal possession, custody, or control, Mr. Liu  
 6 will produce documents sufficient to demonstrate that Bitmain Hong Kong and  
 7 Bitmain, Inc. each have their own corporate books and financial records, their own  
 8 bank accounts, and file tax returns separately from each other.

9 **REQUEST FOR PRODUCTION NO. 4:**

10 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 11 following statement in the LUI DECLARATION: “BITMAIN does not operate  
 12 sales or service networks within the State of California.”

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

14 Mr. Liu incorporates by reference each of the above stated general  
 15 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 16 it seeks documents containing information protected by the attorney-client  
 17 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
 18 further objects to this Request on the grounds that it is overly broad and seeks  
 19 information not proportional to the needs of the case to the extent it seeks  
 20 documents beyond what is necessary to establish whether jurisdiction exists over  
 21 Bitmain Hong Kong. Mr. Liu further objects to this Request on the grounds that it  
 22 is overly broad and unduly burdensome to the extent it seeks documents and  
 23 information that are in the possession of other entities, including Bitmain Hong  
 24 Kong—the defendant in this action—and are less burdensome and expensive for  
 25 such persons and entities to produce. Mr. Liu further objects to this Request to the  
 26 extent that it is vague and ambiguous in that it does not define certain terms with  
 27 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
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1 uncertain, indefinite, and unclear. Mr. Liu further objects to this Request to the  
 2 extent it implies the existence of facts or circumstances that do not or did not exist.  
 3 Specifically, this Request assumes that Bitmain Hong Kong—the defendant in this  
 4 action—operates sales or service networks within the State of California.

5 Subject to and without waiving the foregoing general and specific objections  
 6 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
 7 they exist and are in Mr. Liu’s personal possession, custody, or control, Mr. Liu  
 8 will produce documents sufficient to show that Bitmain Hong Kong “does not  
 9 operate sales or service networks within the State of California.”

10 **REQUEST FOR PRODUCTION NO. 5:**

11 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 12 following statement in the LUI DECLARATION: “BITMAIN does not own, use,  
 13 Lease, or possess any real estate in the state of California, nor does it maintain a  
 14 place of business in the State of California.”

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

16 Mr. Liu incorporates by reference each of the above stated general  
 17 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 18 it seeks documents containing information protected by the attorney-client  
 19 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
 20 further objects to this Request on the grounds that it is overly broad and seeks  
 21 information not proportional to the needs of the case to the extent it seeks  
 22 documents beyond what is necessary to establish whether jurisdiction exists over  
 23 Bitmain Hong Kong. Specifically, this Request seeks information about property  
 24 owned, used, leased or possessed in California, yet nothing in the record suggests  
 25 Plaintiff ever interacted with Bitmain Hong Kong at any property in California, or  
 26 purchased any ASIC devices that are the subject of this action after such an  
 27 interaction. The Ninth Circuit employs the “but-for” test in deciding whether an  
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1 alleged contact with the forum state meets the nexus element of the three-pronged  
2 specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at  
3 \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims  
4 ‘arise out of’ contacts with the forum state if, but for those contacts, the claim  
5 would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are  
6 the subject of this action after interacting with Bitmain Hong Kong at a property in  
7 California, then his claims could not have “arisen out of” this alleged contact with  
8 the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at  
9 \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving  
10 rise to underlying dispute and granting motion to dismiss for lack of personal  
11 jurisdiction). Accordingly, Mr. Liu will not produce documents responsive to this  
12 Request unless and until Plaintiff produces evidence sufficient to demonstrate that  
13 his claims arise from an interaction with Bitmain Hong Kong in California, and  
14 thus that information about property owned, used, leased, or possessed in  
15 California is necessary to establish whether jurisdiction exists over Bitmain Hong  
16 Kong. Mr. Liu further objects to this Request on the grounds that it is overly broad  
17 and unduly burdensome to the extent it seeks documents and information that are  
18 in the possession of other entities, including Bitmain Hong Kong—the defendant  
19 in this action—and are less burdensome and expensive for such persons and  
20 entities to produce. Mr. Liu further objects to this Request to the extent that it is  
21 vague and ambiguous in that it does not define certain terms with reasonable  
22 particularity. Specifically, the reference to “DOCUMENTS” is uncertain,  
23 indefinite, and unclear. Mr. Liu further objects to this Request to the extent it  
24 implies the existence of facts or circumstances that do not or did not exist,  
25 specifically, that Bitmain Hong Kong—the defendant in this action—owns, uses,  
26 leases, or possesses property in California.



1 Subject to and without waiving the foregoing general and specific objections  
2 and objections to definitions and instructions, Mr. Liu's counsel is willing to meet  
3 and confer with counsel for Plaintiff on how documents responsive to this request  
4 would establish jurisdiction and, if appropriate, what scope and form the production  
5 of responsive documents or information should take.

6 **REQUEST FOR PRODUCTION NO. 6:**

7 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
8 following statement in the LUI DECLARATION: "BITMAIN has its own board of  
9 directors, its own separate workforce, and makes its own business decisions and  
10 controls its own operations. BITMAIN has its own separate managerial and  
11 supervisory personnel."

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

13 Mr. Liu incorporates by reference each of the above stated general  
14 objections as if fully set forth herein. Mr. Liu further objects to this Request to the  
15 extent it seeks documents containing information protected by the attorney-client  
16 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
17 further objects to this Request on the grounds that it is overly broad and seeks  
18 information not proportional to the needs of the case to the extent it seeks  
19 documents beyond what is necessary to establish whether jurisdiction exists over  
20 Bitmain Hong Kong and to demonstrate whether an alter ego relationship exists  
21 between Bitmain Hong Kong—the defendant in this action—and another entity for  
22 specific jurisdiction purposes. Mr. Liu further objects to this Request on the  
23 grounds that it is overly broad and unduly burdensome to the extent it seeks  
24 documents and information that are in the possession of other entities, including  
25 Bitmain Hong Kong—the defendant in this action—and are less burdensome and  
26 expensive for such persons and entities to produce. Mr. Liu further objects to this  
27 Request to the extent that it is vague and ambiguous in that it does not define  
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1 certain terms with reasonable particularity. Specifically, the reference to  
 2 “DOCUMENTS” is uncertain, indefinite, and unclear.

3 Subject to and without waiving the foregoing general and specific objections  
 4 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
 5 they exist and are in Mr. Liu’s personal possession, custody, or control, Mr. Liu  
 6 will produce documents sufficient to show that Bitmain Hong Kong “has its own  
 7 board of directors, its own separate workforce, makes its own business decisions  
 8 and controls its own operations,” and “has its own separate managerial and  
 9 supervisory personnel.”

10 **REQUEST FOR PRODUCTION NO. 7:**

11 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 12 following statement in the LUI DECLARATION: “Bitmain Technologies, Ltd. has  
 13 no employees who work in California.”

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

15 Mr. Liu incorporates by reference each of the above stated general  
 16 objections as if fully set forth herein. Mr. Liu further objects to this Request to the  
 17 extent it seeks documents containing information protected by the attorney-client  
 18 privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu  
 19 further objects to this Request on the grounds that it is overly broad and seeks  
 20 information not proportional to the needs of the case to the extent it seeks  
 21 documents beyond what is necessary to establish whether jurisdiction exists over  
 22 Bitmain Hong Kong. Specifically, this Request seeks information about Bitmain  
 23 Hong Kong’s employees in California, if any, yet nothing in the record suggests  
 24 Plaintiff ever interacted with Bitmain Hong Kong’s employees in California, or  
 25 purchased any ASIC devices that are the subject of this action after such an  
 26 interaction. The Ninth Circuit employs the “but-for” test in deciding whether an  
 27 alleged contact with the forum state meets the nexus element of the three-pronged  
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specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are the subject of this action after interacting with Bitmain Hong Kong’s employees in California, if any, then his claims could not have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving rise to underlying dispute and granting motion to dismiss for lack of personal jurisdiction). Accordingly, Mr. Liu will not produce documents responsive to this Request unless and until Plaintiff produces evidence sufficient to demonstrate that his claims arise from an interaction with Bitmain Hong Kong’s employees in California, if any, and thus that information about Bitmain Hong Kong’s employees is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Mr. Liu further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent it seeks documents and information that are in the possession of other entities and are less burdensome and expensive for such persons and entities to produce. Mr. Liu further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the reference to “DOCUMENTS” is uncertain, indefinite, and unclear.

Subject to and without waiving the foregoing general and specific objections and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet and confer with counsel for Plaintiff on how documents responsive to this request would establish jurisdiction and, if appropriate, what scope and form the production of responsive documents or information should take.



**REQUEST FOR PRODUCTION NO. 8:**

All DOCUMENTS supporting, evidencing, referring to, or relating to the following statement in the LUI DECLARATION: “Peng Li is not and has never been an employee of Bitmain Technologies, Ltd. He is employed by Beijing Bitmain Technology Co., Ltd. and works in Beijing, China.”

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Mr. Liu incorporates by reference each of the above stated general objections as if fully set forth herein. Mr. Liu objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about Peng Li, yet nothing in the record suggests Plaintiff ever interacted with Peng Li, or purchased any ASIC devices that are the subject of this action after such an interaction. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are the subject of this action after interacting with Peng Li, then his claims could not have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving rise to underlying dispute and granting motion to dismiss for lack of personal jurisdiction). Accordingly, Mr. Liu



1 will not produce documents responsive to this Request unless and until Plaintiff  
 2 produces evidence sufficient to demonstrate that his claims arise from an  
 3 interaction with Peng Li, and thus that information about Peng Li is necessary to  
 4 establish whether jurisdiction exists over Bitmain Hong Kong. Mr. Liu further  
 5 objects to this Request on the grounds that it is overly broad and unduly  
 6 burdensome to the extent it seeks documents and information that are in the  
 7 possession of other entities and are less burdensome and expensive for such  
 8 persons and entities to produce. Mr. Liu further objects to this Request to the  
 9 extent that it is vague and ambiguous in that it does not define certain terms with  
 10 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
 11 uncertain, indefinite, and unclear.

12 Subject to and without waiving the foregoing general and specific objections  
 13 and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet  
 14 and confer with counsel for Plaintiff on how documents responsive to this request  
 15 would establish jurisdiction and, if appropriate, what scope and form the production  
 16 of responsive documents or information should take.

17 **REQUEST FOR PRODUCTION NO. 9:**

18 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 19 following statement in the LUI DECLARATION: “When Peng Li travels to the  
 20 United States for business, he often works at the property leased by Bitmain, Inc.”

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

22 Mr. Liu incorporates by reference each of the above stated general  
 23 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 24 it seeks documents containing information protected by the attorney-client  
 25 privilege, the work product doctrine, and/or any other applicable privilege. Mr.  
 26 Liu further objects to this Request on the grounds that it is overly broad and seeks  
 27 information not proportional to the needs of the case to the extent it seeks  
 28



1 documents beyond what is necessary to establish whether jurisdiction exists over  
2 Bitmain Hong Kong. Specifically, this Request seeks information about Peng Li,  
3 yet nothing in the record suggests Plaintiff ever interacted with Peng Li, or  
4 purchased any ASIC devices that are the subject of this action after such an  
5 interaction. The Ninth Circuit employs the “but-for” test in deciding whether an  
6 alleged contact with the forum state meets the nexus element of the three-pronged  
7 specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at  
8 \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims  
9 ‘arise out of’ contacts with the forum state if, but for those contacts, the claim  
10 would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are  
11 the subject of this action after interacting with Peng Li, then his claims could not  
12 have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines*  
13 *de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019)  
14 (disregarding conduct after the alleged event giving rise to underlying dispute and  
15 granting motion to dismiss for lack of personal jurisdiction). Accordingly, Mr. Liu  
16 will not produce documents responsive to this Request unless and until Plaintiff  
17 produces evidence sufficient to demonstrate that his claims arise from an  
18 interaction with Peng Li, and thus that information about Peng Li is necessary to  
19 establish whether jurisdiction exists over Bitmain Hong Kong. Mr. Liu further  
20 objects to this Request on the grounds that it is overly broad and unduly  
21 burdensome to the extent it seeks documents and information that are in the  
22 possession of other entities and are less burdensome and expensive for such  
23 persons and entities to produce. Mr. Liu further objects to this Request to the  
24 extent that it is vague and ambiguous in that it does not define certain terms with  
25 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
26 uncertain, indefinite, and unclear.



1 Subject to and without waiving the foregoing general and specific objections  
 2 and objections to definitions and instructions, Mr. Liu's counsel is willing to meet  
 3 and confer with counsel for Plaintiff on how documents responsive to this request  
 4 would establish jurisdiction and, if appropriate, what scope and form the production  
 5 of responsive documents or information should take.

6 **REQUEST FOR PRODUCTION NO. 10:**

7 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 8 following statement in the LUI DECLARATION: "Sharif Allayarov, Andy Niu,  
 9 Jane Hu, and Eric Wang are not and have never been employees of Bitmain  
 10 Technologies, Ltd."

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

12 Mr. Liu incorporates by reference each of the above stated general  
 13 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 14 it seeks documents containing information protected by the attorney-client  
 15 privilege, the work product doctrine, and/or any other applicable privilege. Mr.  
 16 Liu further objects to this Request on the grounds that it is overly broad and seeks  
 17 information not proportional to the needs of the case to the extent it seeks  
 18 documents beyond what is necessary to establish whether jurisdiction exists over  
 19 Bitmain Hong Kong. Specifically, this Request seeks information about  
 20 individuals connected to the California Crypto Mining Forum, yet nothing in the  
 21 record suggests Plaintiff purchased any ASIC devices that are the subject of this  
 22 action after the California Crypto Mining Forum held on August 31, 2019, or after  
 23 interacting with these individuals. The Ninth Circuit employs the "but-for" test in  
 24 deciding whether an alleged contact with the forum state meets the nexus element  
 25 of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*,  
 26 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) ("The Ninth Circuit  
 27 has held that claims 'arise out of' contacts with the forum state if, but for those  
 28



1 contacts, the claim would not have arisen.”). If Plaintiff did not purchase any  
2 ASIC devices that are the subject of this action after the California Crypto Mining  
3 Forum held on August 31, 2019 or after interacting with the above-mentioned  
4 individuals, then his claims could not have “arisen out of” this alleged contact with  
5 the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at  
6 \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving  
7 rise to underlying dispute and granting motion to dismiss for lack of personal  
8 jurisdiction). Accordingly, Mr. Liu will not produce documents responsive to this  
9 Request unless and until Plaintiff produces evidence sufficient to demonstrate that  
10 his claims arise from the California Crypto Mining Forum held on August 31, 2019  
11 or from interactions with Sharif Allayarov, Andy Niu, Jane Hu, and Eric Wang, and  
12 thus that information about the California Crypto Mining Forum held on August  
13 31, 2019 and these individuals is necessary to establish whether jurisdiction exists  
14 over Bitmain Hong Kong. Mr. Liu further objects to this Request on the grounds  
15 that it is overly broad and unduly burdensome to the extent it seeks documents and  
16 information that are in the possession of other entities and are less burdensome and  
17 expensive for such persons and entities to produce. Mr. Liu further objects to this  
18 Request to the extent that it is vague and ambiguous in that it does not define  
19 certain terms with reasonable particularity. Specifically, the reference to  
20 “DOCUMENTS” is uncertain, indefinite, and unclear.

21 Subject to and without waiving the foregoing general and specific objections  
22 and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet  
23 and confer with counsel for Plaintiff on how documents responsive to this request  
24 would establish jurisdiction and, if appropriate, what scope and form the production  
25 of responsive documents or information should take.



**REQUEST FOR PRODUCTION NO. 11:**

All DOCUMENTS supporting, evidencing, referring to, or relating to the following statement in the LUI DECLARATION: “The August 31, 2019 conference referenced in the Declaration of Christopher Marlborough (ECF No. 3 7-2 ¶¶ 10-11, 13), and Exhibits 9, 10, and 13 to that declaration (ECF Nos. 3 7-11, 3 7-12, and 37-15), was hosted by Beijing Bitmain Technology Co., Ltd.”

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Mr. Liu incorporates by reference each of the above stated general objections as if fully set forth herein. Mr. Liu objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about the California Crypto Mining Forum, yet nothing in the record suggests Plaintiff purchased any ASIC devices that are the subject of this action after the California Crypto Mining Forum held on August 31, 2019. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are the subject of this action after the California Crypto Mining Forum held on August 31, 2019, then his claims could not have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct



1 after the alleged event giving rise to underlying dispute and granting motion to  
 2 dismiss for lack of personal jurisdiction). Accordingly, Mr. Liu will not produce  
 3 documents responsive to this Request unless and until Plaintiff produces evidence  
 4 sufficient to demonstrate that his claims arise from the California Crypto Mining  
 5 Forum held on August 31, 2019, and thus that information about the California  
 6 Crypto Mining Forum held on August 31, 2019 is necessary to establish whether  
 7 jurisdiction exists over Bitmain Hong Kong. Mr. Liu further objects to this  
 8 Request on the grounds that it is overly broad and unduly burdensome to the extent  
 9 it seeks documents and information that are in the possession of other entities and  
 10 are less burdensome and expensive for such persons and entities to produce. Mr.  
 11 Liu further objects to this Request to the extent that it is vague and ambiguous in  
 12 that it does not define certain terms with reasonable particularity. Specifically, the  
 13 reference to “DOCUMENTS” is uncertain, indefinite, and unclear.

14 Subject to and without waiving the foregoing general and specific objections  
 15 and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet  
 16 and confer with counsel for Plaintiff on how documents responsive to this request  
 17 would establish jurisdiction and, if appropriate, what scope and form the production  
 18 of responsive documents or information should take.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 21 following statement in the LUI DECLARATION: “Bitmain Technologies, Ltd.  
 22 does not operate a repair center in Fremont, California, or anywhere else in  
 23 California. The Fremont repair center referred to in the Declaration of Christopher  
 24 Marlborough (ECF No. 37-2, ¶ 9), and Exhibit 8 to that declaration (ECF No. 37-  
 25 10), is outsourced by Shenzhen Century Cloud Core Technology Co., Ltd.”



**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Mr. Liu incorporates by reference each of the above stated general objections as if fully set forth herein. Mr. Liu objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about a repair center operated in Fremont, California by Shenzhen Century Cloud Core Technology, Co., Ltd., yet nothing in the record suggests Plaintiff ever visited, contacted, or interacted with a repair center, or purchased any ASIC devices that are the subject of this action after such an interaction. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Plaintiff did not visit, contact, or interact with a repair center, or purchase any ASIC devices that are the subject of this action after such an interaction, then his claims could not have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving rise to underlying dispute and granting motion to dismiss for lack of personal jurisdiction). Accordingly, Mr. Liu will not produce documents responsive to this Request unless and until Plaintiff produces evidence sufficient to demonstrate that his claims arise from an interaction with the repair center, and thus that information about the repair center



1 is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Mr.  
 2 Liu further objects to this Request on the grounds that it is overly broad and unduly  
 3 burdensome to the extent it seeks documents and information that are in the  
 4 possession of other entities and are less burdensome and expensive for such  
 5 persons and entities to produce. Mr. Liu further objects to this Request to the  
 6 extent that it is vague and ambiguous in that it does not define certain terms with  
 7 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
 8 uncertain, indefinite, and unclear.

9 Subject to and without waiving the foregoing general and specific objections  
 10 and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet  
 11 and confer with counsel for Plaintiff on how documents responsive to this request  
 12 would establish jurisdiction and, if appropriate, what scope and form the production  
 13 of responsive documents or information should take.

14 **REQUEST FOR PRODUCTION NO. 13:**

15 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
 16 following statement in the LUI DECLARATION: “Bitmain Technologies, Ltd.  
 17 does not operate the website Bitmain.com or the Facebook, Twitter, or YouTube  
 18 pages referenced in the Declaration of Christopher Marlborough (ECF No. 37-2, In  
 19 2, 4-5, 7, 9, 13), and Exhibits 1, 3, 4, 6, 8, and 12 attached to that declaration (ECF  
 20 Nos. 37-3, 37-5, 37-6, 37-8, 37-10, 37-14). The referenced website and Facebook,  
 21 Twitter, and YouTube pages are operated by Beijing Bitmain Technology Co.,  
 22 Ltd.”

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

24 Mr. Liu incorporates by reference each of the above stated general  
 25 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
 26 it seeks documents containing information protected by the attorney-client  
 27 privilege, the work product doctrine, and/or any other applicable privilege. Mr.  
 28



1 Liu further objects to this Request on the grounds that it is overly broad and seeks  
2 information not proportional to the needs of the case to the extent it seeks  
3 documents beyond what is necessary to establish whether jurisdiction exists over  
4 Bitmain Hong Kong. Specifically, this Request seeks information about various  
5 Facebook, Twitter, and YouTube pages, yet nothing in the record suggests Plaintiff  
6 ever viewed these Facebook, Twitter, or YouTube pages prior to purchasing the  
7 devices that are the subject of this action. The Ninth Circuit employs the “but-for”  
8 test in deciding whether an alleged contact with the forum state meets the nexus  
9 element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach.*  
10 *Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth  
11 Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for  
12 those contacts, the claim would not have arisen.”). If Plaintiff did not purchase  
13 any ASIC devices that are the subject of this action after viewing these Facebook,  
14 Twitter, or YouTube pages, then his claims could not have “arisen out of” this  
15 alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*,  
16 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the  
17 alleged event giving rise to underlying dispute and granting motion to dismiss for  
18 lack of personal jurisdiction). Accordingly, Mr. Liu will not produce documents  
19 responsive to this Request unless and until Plaintiff produces evidence sufficient to  
20 demonstrate that his claims arise from the Facebook, Twitter, or YouTube pages,  
21 and thus that information about the Facebook, Twitter, or YouTube pages is  
22 necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Mr.  
23 Liu further objects to this Request on the grounds that it is overly broad and unduly  
24 burdensome to the extent it seeks documents and information that are in the  
25 possession of other entities and are less burdensome and expensive for such  
26 persons and entities to produce. Mr. Liu further objects to this Request to the  
27 extent that it is vague and ambiguous in that it does not define certain terms with  
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1 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
2 uncertain, indefinite, and unclear.

3 Subject to and without waiving the foregoing general and specific objections  
4 and objections to definitions and instructions, Mr. Liu responds that, to the extent  
5 they exist and are in Mr. Liu’s personal possession, custody, or control, Mr. Liu  
6 will produce documents sufficient to demonstrate that Beijing Bitmain Technology  
7 Co., Ltd. operated the website <http://bitmain.com/>. Also, subject to and without  
8 waiving the foregoing general and specific objections and objections to definitions  
9 and instructions, Mr. Liu’s counsel is willing to meet and confer with counsel for  
10 Plaintiff on how documents responsive to this request regarding the Facebook,  
11 Twitter, or YouTube pages would establish jurisdiction and, if appropriate, what  
12 scope and form the production of responsive documents or information should take.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 All DOCUMENTS supporting, evidencing, referring to, or relating to the  
15 following statement in the LUI DECLARATION: “The entity referenced in Exhibit  
16 2 to the Marlborough declaration ... is not the defendant in this case, but rather is  
17 Beijing Bitmain Technology Co. Limited.”

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

19 Mr. Liu incorporates by reference each of the above stated general  
20 objections as if fully set forth herein. Mr. Liu objects to this Request to the extent  
21 it seeks documents containing information protected by the attorney-client  
22 privilege, the work product doctrine, and/or any other applicable privilege. Mr.  
23 Liu further objects to this Request on the grounds that it is overly broad and seeks  
24 information not proportional to the needs of the case to the extent it seeks  
25 documents beyond what is necessary to establish whether jurisdiction exists over  
26 Bitmain Hong Kong. Specifically, this Request seeks information about a  
27 LinkedIn post, yet nothing in the record suggests Plaintiff ever viewed the  
28



1 LinkedIn page prior to purchasing the ASIC devices that are the subject of this  
2 action. The Ninth Circuit employs the “but-for” test in deciding whether an  
3 alleged contact with the forum state meets the nexus element of the three-pronged  
4 specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at  
5 \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims  
6 ‘arise out of’ contacts with the forum state if, but for those contacts, the claim  
7 would not have arisen.”). If Plaintiff did not view the LinkedIn page prior to his  
8 purchases of ASIC devices that are the subject of this action, then his claims could  
9 not have “arisen out of” this alleged contact with the forum state. Accordingly,  
10 Mr. Liu will not produce documents responsive to this Request unless and until  
11 Plaintiff produces evidence sufficient to demonstrate that his claims arise from the  
12 LinkedIn page, and thus that information about the LinkedIn page is necessary to  
13 establish whether jurisdiction exists over Bitmain Hong Kong. Mr. Liu further  
14 objects to this Request on the grounds that it is overly broad and unduly  
15 burdensome to the extent it seeks documents and information that are in the  
16 possession of other entities and are less burdensome and expensive for such  
17 persons and entities to produce. Mr. Liu further objects to this Request to the  
18 extent that it is vague and ambiguous in that it does not define certain terms with  
19 reasonable particularity. Specifically, the reference to “DOCUMENTS” is  
20 uncertain, indefinite, and unclear.

21 Subject to and without waiving the foregoing general and specific objections  
22 and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet  
23 and confer with counsel for Plaintiff on how documents responsive to this request  
24 would establish jurisdiction and, if appropriate, what scope and form the production  
25 of responsive documents or information should take.



**REQUEST FOR PRODUCTION NO. 15:**

All DOCUMENTS supporting, evidencing, referring to, or relating to the following statement in the LUI DECLARATION: “The Fremont repair center is outsourced by Shenzen [sic] Century Cloud Core Technology Co., Ltd.”

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Mr. Liu incorporates by reference each of the above stated general objections as if fully set forth herein. Mr. Liu objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Mr. Liu further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about a repair center operated in Fremont, California by Shenzhen Century Cloud Core Technology, Co., Ltd., yet nothing in the record suggests Plaintiff ever visited, contacted, or interacted with a repair center, or purchased any ASIC devices that are the subject of this action after such an interaction. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at \*4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Plaintiff did not purchase any ASIC devices that are the subject of this action after interacting with the repair center, then his claims could not have “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de Triage et Broyage*, 2019 WL 1083783, at \*5 (N.D. Cal. Mar. 7, 2019) (disregarding conduct after the alleged event giving rise to underlying dispute and granting motion to dismiss for lack of



personal jurisdiction). Accordingly, Mr. Liu will not produce documents responsive to this Request unless and until Plaintiff produces evidence sufficient to demonstrate that his claims arise from an interaction with the repair center, and thus that information about the repair center is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Mr. Liu further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent it seeks documents and information that are in the possession of other entities and are less burdensome and expensive for such persons and entities to produce. Mr. Liu further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the reference to “DOCUMENTS” is uncertain, indefinite, and unclear.

Subject to and without waiving the foregoing general and specific objections and objections to definitions and instructions, Mr. Liu’s counsel is willing to meet and confer with counsel for Plaintiff on how documents responsive to this request would establish jurisdiction and, if appropriate, what scope and form the production of responsive documents or information should take.

**REQUEST FOR PRODUCTION NO. 16:**

All DOCUMENTS, not otherwise requested or produced, during the CLASS PERIOD supporting, evidencing, referring to, or relating to YOUR contention that YOU are not subject to suit in California.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Mr. Liu incorporates by reference each of the above stated general objections as if fully set forth herein. Mr. Liu objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Specifically, this Request calls for a legal conclusion and privileged attorney work product by seeking information that would require Mr. Liu and his counsel to



1 conduct legal analysis to determine whether any connections between Bitmain  
2 Hong Kong and California—if they existed—were relevant to this action.  
3 Accordingly, Mr. Liu will not provide documents responsive to this Request. Mr.  
4 Liu further objects to this Request on the grounds that it is overly broad and seeks  
5 information not proportional to the needs of the case to the extent it seeks  
6 documents beyond what is necessary to establish whether jurisdiction exists over  
7 Bitmain Hong Kong. Mr. Liu further objects to this Request to the extent that it is  
8 vague and ambiguous in that it does not define certain terms with reasonable  
9 particularity. Specifically, the reference to “DOCUMENTS,” “CLASS PERIOD,”  
10 “YOUR,” and “YOU” are uncertain, indefinite, and unclear.

11 Dated: February 18, 2020

12  
13 O'MELVENY & MYERS LLP

14  
15 By: 

16 Attorneys for Defendant  
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**CERTIFICATION OF SERVICE**

I certify that on February 18, 2020, I caused to be served the within document titled Luyao Liu's Responses and Objections to Plaintiff Gor Gevorkyan's First Amended Notice of Deposition and Requests for Production of Documents Pursuant to Fed. R. Civ. P. 34 by mailing copies of same via U.S. mail to the individuals listed below in the service list.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 18, 2020, at Los Angeles, California.

*/s/ William K. Pao*

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**SERVICE LIST**

<p>Robert Starr Adam Rose Karo Karapetyan Manny Starr FRONTIER LAW CENTER 23901 Calabasas Road, Suite 2074 Calabasas, California 91302</p> <p><b><i>Counsel for Plaintiff</i></b></p>	<p>Email: robert@frontierlawcenter.com adam@frontierlawcenter.com karo@frontierlawcenter.com manny@frontierlawcenter.com</p> <p>Telephone: 818-914-3433 Facsimile: 818-914-3433</p>
<p>Jordan L. Lurie POMERANTZ LLP 1100 Glendon Avenue 15th Floor Los Angeles, California 90024</p> <p><b><i>Counsel for Plaintiff</i></b></p>	<p>Email: jllurie@pomlaw.com</p> <p>Telephone: 310-405-7190 Facsimile: 917-463-1044</p>
<p>Christopher Marlborough THE MARLBOROUGH LAW FIRM, P.C. 445 Broad Hollow Road, Suite 400 Melville, New York 11747</p> <p><b><i>Counsel for Plaintiff</i></b></p>	<p>Email: chris@marlboroughlawfirm.com</p> <p>Telephone: 212-991-8960 Facsimile: 212-991-8952</p>